

MISSOURI BOARD OF PHARMACY,

Petitioner,

v.

Case No. 18-0397 PH

DISTINGUISHED PHARMACEUTICALS LLC

Respondent

**FINDINGS OF FACT, CONCLUSIONS OF LAW  
AND DISCIPLINARY ORDER**

This matter appears before the Missouri Board of Pharmacy pursuant to a Default Decision issued by the Administrative Hearing Commission as a result of a Complaint filed by the Missouri Board of Pharmacy against Distinguished Pharmacy, LLC (Distinguished), to which Distinguished did not respond, and such pleadings before the Administrative Hearing Commission were incorporated into the record of this matter. See pages 4-7 of the transcript. Each Board member participating in this decision read the Default Decision issued by the Administrative Hearing Commission and the Complaint filed by the Missouri Board of Pharmacy against Distinguished, as well as each exhibit and considered each exhibit in reaching the decision reflected in this Order. See transcript pages 5 and 6.

**Findings of Fact**

1. The Board set this matter for hearing and served notice of the disciplinary hearing upon respondent.
2. Pursuant to notice and Section 621.110, RSMo, this Board held a hearing on January 10, 2019, at the Holiday Inn Express, 1402 Cinnamon Hill Lane, Columbia, Missouri, for the purpose of determining the appropriate disciplinary action against the pharmacy permit of respondent. Distinguished did not appear, nor did any counsel appear on his behalf. The Board was represented by Alicia Turner. See transcript page 5. The Board sent notice of the hearing by certified mail and by regular mail to Distinguished to the address Distinguished had provided to the Board. See pages 4 and 5 of the transcript.

3. All Board members participating in the decision of the Board were present throughout the disciplinary hearing. See pages 4-8 of the transcript.
4. The Missouri Board of Pharmacy ("Board") is an agency of the state of Missouri created and established pursuant to Section 338.110, RSMo, for the purpose of executing and enforcing the provisions of Chapter 338, RSMo.
5. Respondent has a pharmacy permit issued by the Board, Permit No. 2016008670, which permit was current and active at the time of the incidents which form the basis of the complaint. See page 4 of the transcript.
6. The Default Decision and Complaint demonstrated that cause existed to discipline the permit of the respondent. See Complaint and Default Decision of the Administrative Hearing Commission. See pages 4-8 of the transcript and exhibits 3 and 5.
7. The AHC agreed that the Board has authority to discipline the pharmacy permit of Distinguished as provided in Section 338.055.2 (5), (6), (10), (12), (13), and (15). See Default Decision. The Board must decide what discipline to impose to protect the public, based upon the record before it. Distinguished did not defend itself at any stage of the proceeding.

#### Conclusions of Law

8. The Board has jurisdiction to take disciplinary action against respondent in that the AHC has agreed that such action may be taken. State Board of Registration for the Healing Arts v. Masters, 512 S.W.2d 150, 160-161 (Mo. App., K.C.D. 1974).

9. Respondent's permit to practice as a pharmacy, numbered 201608670, is subject to revocation, suspension, probation, or censure by the Board pursuant to the provisions of Section 338.055.2 (5), (6), (10), (12), (13), and (15). The Board determined the discipline imposed as set forth below based upon the facts of this case, and in consideration of the testimony presented at the hearing.

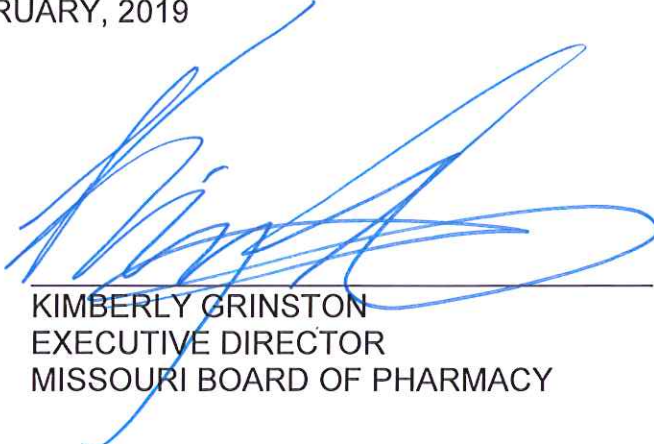
Disciplinary Order

IT IS HEREBY ORDERED by the Missouri Board of Pharmacy that the pharmacy permit issued to Distinguished, numbered 2016008670, shall be revoked. Distinguished may not apply for reinstatement of its license for (7) seven years after the effective date of this Order, as provided in Section 338.067, RSMo. Respondent shall return immediately all indicia of licensure, i.e., the computer generated 5" x 7" license and the wallet card, to the Board office.

The Board of Pharmacy will maintain this Order as an open and public record of the Board as provided in Chapters 338, 610, and 324, RSMo.

ENTERED THIS 22<sup>nd</sup> DAY OF FEBRUARY, 2019

(BOARD SEAL)



KIMBERLY GRINSTON  
EXECUTIVE DIRECTOR  
MISSOURI BOARD OF PHARMACY